

2009 DRAFTING REQUEST

Bill

Received: **03/17/2009**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Steve Hilgenberg (608) 266-7502**

By/Representing: **Max Dulberger**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hilgenberg@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Reduced fee fishing licenses for disabled veterans

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rkite 03/26/2009	bkraft 03/27/2009	rschluet 03/27/2009	_____	cduerst 03/27/2009		S&L
/2	rkite 04/13/2009	bkraft 04/14/2009	phenry 04/14/2009	_____	lparisi 04/14/2009		S&L
/3	rkite 04/20/2009	bkraft 04/20/2009	rschluet 04/20/2009	_____	mbarman 04/20/2009	cduerst 07/20/2009	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For: 7/3 " @ intro, 8/17/09

<END>

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By/Representing: Max Dulberger

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May Contact:

Addl. Drafters:

Subject: Nat. Res. - fish and game

Extra Copies:

Submit via email: YES

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FE Sent For:

13 bjk 4/20

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No specific pre topic given

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Reduced fee fishing licenses for disabled veterans

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/?							S&L
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/1	rkite 03/26/2009	bkraft 03/27/2009	rschluet 03/27/2009		cduerst 03/27/2009		
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FE Sent For:

1/2 bjk 4/14
4/14 ph
<END>

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1?	rkite	1bjk 3/27					

FE Sent For:

<END>

Kite, Robin

From: Dulberger, Max
Sent: Wednesday, March 11, 2009 3:13 PM
To: Kite, Robin
Subject: FW: Disabled Permits

Hi Robin,

I think Bob Nelson suggested that you'd be the drafter to contact in regard to changing the eligibility requirements for reduced-fee fishing licenses.

As you may know, we're looking to draft legislation that will enable disabled veterans on VA pension benefits to access the reduced fishing license that those on Social Security Disability receive.

Currently the statutes allow for reduce-fee fishing licenses to several categories of disabled citizens, to include those receiving Social Security Disability benefits. We believe that through an oversight, veterans who received non-service connected disability benefits were omitted from this category. Veterans who receive disability pension have been declared permanently and totaled disabled by the federal VA. We believe this group should be included with parity as those declared disabled by the Social Security Administration.
<http://dnr.wi.gov/org/caer/cs/disabled.htm>

If that doesn't provide enough clarity, the emails below should help. We've been in touch with the DNR, and particularly Ruth Raftery, about the legislation and she provided us with a helpful synopsis.

If you have any questions, give me a call.

Thank you!

Max Dulberger
 Office of Rep. Steve Hilgenberg
 608-266-7502
Max.Dulberger@legis.wi.gov

*OK to contact SVA
 will have Chris Jordan
 call me -*

From: Raftery, Ruth A - DNR [<mailto:Ruth.Raftery@Wisconsin.gov>]
Sent: Wednesday, March 11, 2009 3:01 PM
To: Dulberger, Max
Cc: Huggins, Kevin H - DNR; Van Haren, Thomas - DNR; Heinen, Paul H - DNR; Kanable, Penny J - DNR
Subject: FW: Disabled Permits

Diane Brookbank, Bureau Director for Customer Service & Licensing has requested that I respond to your questions below regarding disabled fishing licenses.

Under this proposal, as stated in the e-mail, a disabled veteran who is receiving non-service connected disability benefits from the VA would be eligible to purchase the same reduced rate fishing license as someone who is receiving social security disability benefits. This license currently sells for \$7.00.

It should be noted that we also currently offer a reduced rate fishing license to veterans who are receiving service-related disability from the VA (70% or more) for \$3.00. In the past few years we have issued about 2,500 of these licenses each year.

In 2008, in accordance with 2007 Wisconsin Act 165, the Bureau of Park and Recreation, gave free access to state parks and state trails to certain disabled veterans and former prisoners of war. Eligible disabled veterans included those who qualify for the disabled veterans fishing license, as well as those who are receiving veteran's

03/12/2009

disability benefits because they are unemployable under the federal veteran's disability code and those who were prisoners of war. At the time of implementation of this law, it was estimated that there could be as many as 9,415 individuals who would qualify for the free access to parks and trails. Currently Parks has received 442 requests from persons who qualify under this new law.

Using the estimate of 9,415 (including Prisoners of War) less the 2,500 who currently purchase a reduced rate veteran's disability license, there could be 6,915 individuals who may qualify for the license. This would be a high estimate, however, since some of these people would not be interested in fishing activities. We are unable to determine the exact number that would be sold. Using this figure of 6,915, following is the loss of revenue if everyone took advantage of this opportunity (the difference between a full rate license for \$20.00 and a reduced rate license):

6,915 x \$13.00 = \$89,895.00 (regular disability license which sells for \$7.00)
 6,915 x \$17.00 = \$117,555.00 (veteran's disability license which sells for \$3.00)

If only half of these people took advantage of the reduced rate license, the estimate on the loss of revenue would be:

3,457 x \$13.00 = \$44,941.00
 3,457 x \$17.00 = \$58,769.00

The state would still receive federal matching funds for licenses sold.

Currently 2009 Assembly Bill 83 has been introduced which would expand the eligibility for the \$3.00 Veteran's Disability License to those veteran's who have been determined to be "individually unemployable".



Ruth Ann Raftery

Bureau of Customer Service & Licensing
 Wisconsin Department of Natural Resources

(☎) phone: 608-266-8163

(☎) fax: 608-264-6030

(✉) e-mail: ruth.raftery@wisconsin.gov

1 A - DNR
 March 11, 2009 11:07 AM
 Line L - DNR; Huggins, Kevin H - DNR
 Disabled Permits

fax [mailto:Max.Dulberger@legis.wisconsin.gov]
 March 09, 2009 4:10 PM
 Thomas - DNR
 P. - LEGIS
 Disabled Permits

Tom,

As I mentioned on the phone, we're looking to draft legislation that will enable disabled veterans on VA pension benefits to access the reduced fishing license that those on Social Security Disability receive.

As you know, currently the statutes allow for reduce-fee fishing licenses to several categories of disabled citizens, to include those receiving Social Security Disability benefits. We believe that through an oversight, veterans who received non-service connected disability benefits were omitted from this category. Veterans who receive disability pension have been declared permanently and totally disabled by the federal VA. We believe this group should be included with parity as those declared disabled by the Social Security Administration.
<http://dnr.wi.gov/org/caer/cs/disabled.htm>

Before moving forward with legislation to extend this benefit, we're wondering what the fiscal impact would be on

03/12/2009

the DNR. We realize these are very tight times and we don't want to move forward with some that with overburden the agency.

To assess the fiscal impact of this extension, we'd need to know the number of new recipients that would be eligible for this grant. If the DNR licensing folks are able to make this estimate, that'd be great. Otherwise we can contact LFB and see if they can gauge the impact.

Also, if the DNR has any other hesitations or suggestions for this legislation, please let us know.

Thanks for your help,

Max Dulberger
Office of Rep. Steve Hilgenberg
608-266-7502
Max.Dulberger@legis.wi.gov

Thomas - DNR
January 21, 2009 4:45 PM
Diane L - DNR
- DNR; Raftery, Ruth A - DNR; Huggins, Kevin H - DNR; Kanable, Penny J - DNR; Brookbank, Diane L - DNR
our answer!- Disabled Permits

Diane,

Everything I found in the US Codes that are cited in s. 29.193(3)(c) related to veterans disabled fishing licenses refers to the disabilities having to have been service related. It seems clear that s. 29.193(3)(c) was meant to only include those veterans that were receiving disability benefits of 70% or greater from a Service related disability. It does not even provide the \$3 fishing license for disabled veterans that have a service related disability of less than 70%. So it would seem that it was not meant to include disabilities that other veterans might have that are not even service related.

This does not mean that a disabled veteran might not be eligible for the other \$7 disabled fishing license that is available to any resident, veteran or not, that is receiving Social Security Disability benefits as authorized under s. 29.193(3)(b).

But if a person is receiving disability benefits from some other source and not from SS, then there currently is not anything in our Statutes that appears to authorize them to receive a reduced price fishing license. The one exception is for Railroad Employees that are receiving benefits do to a disability from the railroad retirement fund.

There are others that are disabled and did qualify for the \$7 reduced price fishing license authorized under s. 29.193(3)(b) when under the age of 65, but because they no longer receive SS disability benefits after age 65 when regular SS benefits kick in, they no longer meet the s. 29.193 requirement. Even though they are just as disabled as they were the day before they turned 65. Maybe it is because they are then eligible for the reduced fee Senior citizen fishing license. But that license does not give them access to fish the urban fishing ponds that they could fish with a disabled fishing license when under age 65.

It is always hard to draw the line somewhere, as there will always be someone just over the line that does not get the benefit.

<< File: Veterans Disability License.doc >>

Diane L - DNR
January 20, 2009 1:12 PM
Thomas - DNR
- DNR; Raftery, Ruth A - DNR; Huggins, Kevin H - DNR; Kanable, Penny J - DNR; Brookbank, Diane L - DNR
our answer!- Disabled Permits

Any advice? Are veterans receiving disability pension from Veterans Affairs not eligible for either license?

03/12/2009

The link to our webpage on this is at the very bottom in the original email. The PDF attached contains useful information also.

Diane Crawford

Information Systems Manager
Bureau of Customer Service & Licensing
Wisconsin Department of Natural Resources

(☎) phone: (608) 261-0770

(☎) fax: (608) 264-6130

From: Dulberger, Max [mailto:Max.Dulberger@legis.wisconsin.gov]

January 20, 2009 12:31 PM

- DNR

e L - DNR

Your answer!- Disabled Permits

Hi Paul,

I went back and cross-checked the information you sent with the letter that I received from the CVSO Association and I have one remaining question.

From what I gather, a veteran with a non-service connected disability **cannot** obtain a reduced-fee fishing license under the current eligibility requirements. As the requirement reads for a Resident Veteran's Disabled Fishing: "a letter or award notice from the Veteran's Administration which indicates you receive disability benefits and specifies the percentage of disability (must be at least 70% and service related)."

As the CVSO rep states in the attached letter, "we believe through an oversight, veterans who receive non-service connected disability pension benefits were omitted from this category. Veterans who receive disability pension have been declared permanently and totally disabled by the U.S. Department of Veterans Affairs. Certainly this group should be considered with parity as those declared disabled by the Social Security Administration."

Is the CVSO rep correct in assuming that veterans with a non-service related disability are not eligible for the reduced-fee license? Do you agree that this is an oversight or do you think this group was intentionally excluded? Any info of this nature would be much appreciated.

Thanks for all your help,

Max Dulberger
Office of Rep. Steve Hilgenberg
608-266-7502

<< File: CVSO Association [Resident Disabled Fishing Licenses] 1-13-00.txt.pdf >>

From: Heinen, Paul H - DNR [mailto:Paul.Heinen@Wisconsin.gov]

Sent: Friday, January 16, 2009 1:11 PM

To: Dulberger, Max

Subject: Your answer!- Disabled Permits

Here you go Max.

Paul

Diane L - DNR

January 16, 2009 1:05 PM

03/12/2009

* - DNR
d Permits

I think the permits you are referring to are the disabled fishing and the veterans disabled fishing.

There is no Veterans Fishing (don't confuse this with the Armed forces fishing/small game which is for active duty members who are WI residents on furlough or leave.

There is a disabled fishing for \$7 and a Veterans disabled fishing for those veterans with a service-related disability that is \$3. You can read more information at the following link:

<http://dnr.wi.gov/org/caer/cs/disabled.htm>

Hope I answered your question.

Diane Crawford

Information Systems Manager
Bureau of Customer Service & Licensing
Wisconsin Department of Natural Resources

(☎) phone: (608) 261-0770

(☎) fax: (608) 264-6130

03/12/2009

Kite, Robin

From: Dulberger, Max
Sent: Tuesday, March 24, 2009 2:59 PM
To: Kite, Robin
Subject: Reduced-Fee Fishing Licenses for Disabled Veterans

Hi,

I just left a message for Chris Jordan, Legislative Committee Chair for the County Veterans Service Officers Association (262-741-4222, cjordan@co.walworth.wi.us), and she should be giving you a call tomorrow to clarify the definition of a "non-service connected disability." Thanks again for all your help and we'll be in touch.

Max Dulberger
Office of Rep. Steve Hilgenberg
608-266-7502
Max.Dulberger@legis.wi.gov

3/25 -

Per Chris Jordan -
wants to include persons who are on VA pensions
i.e. some disabled vets receive SS benefits &
some get benefits from VA pension -
she will e-mail me the relevant USC citation

Kite, Robin

From: cjordan@co.walworth.wi.us
Sent: Thursday, March 26, 2009 8:58 AM
To: Kite, Robin
Subject: VA pension recipients

Robin:

The person we're intending to include for a reduced fishing license are "veterans in receipt of non-service connected disability pension benefits under 38 USC 1521-1523". I ran this citation past chief legal counsel at the Wisconsin Dept. of Veterans Affairs just to be sure, and he gave me the green light.

Please let me know if I can be of further assistance, and thanks for your work on this!

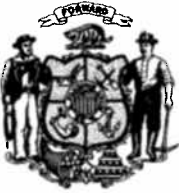
Chris Jordan
Walworth County Veterans Service Officer
PO Box 1001
Elkhorn, WI 53121
Phone: 262-741-4222
FAX: 262-741-4386

Non-service-connected disability pension

1521

*receiving pension benefits for a non-service connected
disability under 38 USC 1521-1523*

03/26/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

PM run
LRB-2388/P
RNK:.....
Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 BILL

In
3-26

SA
x-ref

1 AN ACT ^{gen.} relating to: fishing licenses issued to disabled veterans.

Analysis by the Legislative Reference Bureau

Under current state law, a resident may receive an annual fishing license at a reduced fee if the person provides evidence that he or she receives certain federal disability benefits. A resident who is a veteran and who provides evidence that he or she receives certain federal disability benefits related to his or her military service may receive an annual fishing license at a further reduced fee. ^{also}

- This bill expands the eligibility for a veteran to receive an annual fishing license
- >> at the lowest fee. The bill provides that the veteran is entitled to receive an annual
 - > fishing license at the lowest fee if the veteran produces evidence ~~that~~ ^{also} that he or she
 - > receives certain federal pension benefits for a ~~non-service connected~~ ^{also} disability. ^{le}

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 29.193 (3) (b) of the statutes is amended to read:

that is not related
to his or her
military service

1 29.193 (3) (b) Produces evidence that shows that he or she is receiving benefits
2 under 38 USC 1521 to 1523, 42 USC 401 to 433, 42 USC 1381 to 1381d, or 45 USC
3 231a (a) (1) (iv) or (v) because of a determination that he or she is disabled.

4 History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17.

(END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4-13-09

Called Max to let him know that the
draft contained an error

He confirmed that he wanted this new
group of veterans to get fishing licenses
for the \$3.00 (not \$7.00) fee -

I told him I would prepare a redraft



[soon]

State of Wisconsin
2009 - 2010 LEGISLATURE

RM run
2
LRB-2388/1

RNK:bjk:rs

[stays]

2009 BILL

SA
Kref

Insert

D-Note

regen. cat.

- 1 **AN ACT to amend** 29.193 (3) (b) of the statutes; **relating to:** fishing licenses
- 2 issued to disabled veterans.

Analysis by the Legislative Reference Bureau

Under current state law, a resident may receive an annual fishing license at a reduced fee if the person provides evidence that he or she receives certain federal disability benefits. A resident who is a veteran and who provides evidence that he or she receives certain federal disability benefits related to his or her military service may receive an annual fishing license at a further reduced fee.

This bill expands the eligibility for a veteran to receive an annual fishing license at the lowest fee. The bill provides that a veteran is also entitled to receive an annual fishing license at the lowest fee if the veteran produces evidence that he or she receives certain federal pension benefits for a disability that is not related to his or her military service.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

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BILL**SECTION 1**

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2 under 38 USC 1521 to 1523, 42 USC 401 to 433, 42 USC 1381 to 1381d, or 45 USC
3 231a (a) (1) (iv) or (v) because of a determination that he or she is disabled.

insert
3-3 4 (END)

D-note

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2388/2ins.
RNK:.....

INSERT 3-3

1

2 **SECTION 1.** 29.193 (3) (c) of the statutes is amended to read:

3 29.193 **(3)** (c) Produces evidence that shows that he or she is a veteran, as
4 defined in 38 USC 101, and is receiving disability compensation benefits under 38
5 USC 1101 to 1163 for disabilities that result in a disability rating that is 70% or
6 greater under 38 USC 1114 or is receiving benefits under 38 USC 1521 to 1523.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249 ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2388/2dn

RNK:.....

l bjk

Date

- > This redraft amends s. 29.193 (3) (c), stats⁵ to provide that veterans receiving certain nonservice related disability benefits are entitled to receive ⁵ a fishing license at the reduced fee of \$3.00, as you requested. The previous version of the draft had amended
- > s. 29.193 (3) (b), stats⁵ which authorizes a reduced fee of \$7.00.

Please feel free to contact me if you have any questions with regard to this redraft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2388/2dn
RNK:bjk:ph

April 14, 2009

This redraft amends s. 29.193 (3) (c), stats., to provide that veterans receiving certain nonservice related disability benefits are entitled to receive fishing licenses at the reduced fee of \$3.00, as you requested. The previous version of the draft had amended s. 29.193 (3) (b), stats., which authorizes a reduced fee of \$7.00.

Please feel free to contact me if you have any questions with regard to this redraft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Dulberger, Max
Sent: Monday, April 20, 2009 10:47 AM
To: Kite, Robin
Subject: LRB 2388 - Reduced-Fee Fishing Licenses for Disabled Vets

Attachments: 09-23881.pdf; 09-23882.pdf



09-23881.pdf (20 KB)



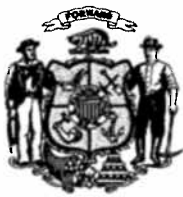
09-23882.pdf (20 KB)

Hi Robin,

I recently spoke with Chris Jordan, the Legislative Director for the County Veterans Service Organization Association, and she said that they are seeking the reduced-fee fishing license for a price of \$7 – not \$3 as the second draft stipulates. That being the case, we are planning on introducing the original draft. I just wanted to make sure that we're on the same page and we have everything in order. Do I have my information correct?

Thanks for your help,

Max Dulberger
Office of Rep. Steve Hilgenberg
608-266-7502
Max.Dulberger@legis.wi.gov



1800n
State of Wisconsin
2009 - 2010 LEGISLATURE

Rm run
3
LRB-2388(2)

RNK:bjk:ph

L stays

2009 BILL

In
4/20

SA

Inserts

regen. cat

- 1 AN ACT *to amend* 29.193 (3) (c) of the statutes; **relating to:** fishing licenses
- 2 issued to disabled veterans.

Analysis by the Legislative Reference Bureau

Under current state law, a resident may receive an annual fishing license at a reduced fee if the person provides evidence that he or she receives certain federal disability benefits. ~~A resident who is a veteran and who provides evidence that he or she receives certain federal disability benefits related to his or her military service may receive an annual fishing license at a further reduced fee.~~

This bill expands the eligibility for a veteran to receive an annual fishing license at the lowest fee. The bill provides that a veteran ~~is also entitled to receive an annual fishing license at the lowest fee if the veteran produces evidence that he or she receives certain federal pension benefits for a disability that is not related to his or her military service.~~

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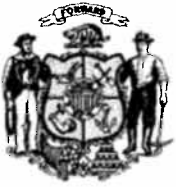
29.193 (3) (c) Produces evidence that shows that he or she is a veteran, as defined in 38 USC 101, and is receiving disability compensation benefits under 38

BILL

SECTION 1

1
2
3
insert
2-2
USC 1101 to 1163 for disabilities that result in a disability rating that is 70% or greater under 38 USC 1114 or is receiving benefits under 38 USC 1521 to 1523.

(END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-2388/1
RNK:bjk:rs

~~2009 BILL~~

Insert 2-2

- 1 AN ACT ~~to amend~~ 29.193 (3) (b) of the statutes; ~~relating to~~ fishing licenses
2 issued to disabled veterans.

Analysis by the Legislative Reference Bureau

Under current state law, a resident may receive an annual fishing license at a reduced fee if the person provides evidence that he or she receives certain federal disability benefits. A resident who is a veteran and who provides evidence that he or she receives certain federal disability benefits related to his or her military service may receive an annual fishing license at a further reduced fee.

This bill expands the eligibility for a veteran to receive an annual fishing license at the lowest fee. The bill provides that a veteran is also entitled to receive an annual fishing license at the lowest fee if the veteran produces evidence that he or she receives certain federal pension benefits for a disability that is not related to his or her military service.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 29.193 (3) (b) of the statutes is amended to read:
- ↓

BILL

SECTION 1

29.193 (3) (b) Produces evidence that shows that he or she is receiving benefits
under 38 USC 1521 to 1523, 42 USC 401 to 433, 42 USC 1381 to 1381d, or 45 USC
231a (a) (1) (iv) or (v) because of a determination that he or she is disabled.

4 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2388/3ins.
RNK:.....

INSERT ANALYSIS

Under current law, a resident may receive an annual fishing license at a reduced fee if the person provides evidence that he or she receives certain federal disability benefits. This bill expands the category of disabled residents entitled to receive an annual fishing license at that reduced fee. Under the bill, a veteran who produces evidence that he or she receives certain federal pension benefits for a disability that is not related to his or her military service qualifies for the reduced fee license. The bill does not change current law under which a veteran who receives federal disability benefits related to his or her military service may receive an annual fishing license at a further reduced fee.

Duerst, Christina

From: Dulberger, Max
Sent: Monday, July 20, 2009 4:24 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2388/3 Topic: Reduced fee fishing licenses for disabled veterans

Please Jacket LRB 09-2388/3 for the ASSEMBLY.